

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.7993 of 2008
CHANDRASHEKHAR JHA
Versus
STATE OF BIHAR

2. 12.5.2008 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner prays for anticipatory bail in a case under
Sections 307, 166, 323, 324, 326 and 504 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that in
respect to the present matter statement was made by the informant
before the police which is contained in Annexure- 2 on 13.6.2005 in
which he had alleged that this petitioner has assaulted on his nose with
lathi but only a sanha entry was made with respect to the same since
there was no injury on the nose of the informant to support the said
version and accordingly the police did not register the case.

It is further pointed out by learned counsel that subsequently
after three months on 11.9.2005 the complaint case was filed before
the Sub-Divisional Judicial Magistrate which was thereafter sent to
the police for investigation and the F.I.R. has been lodged. Learned
counsel submits that in the present matter which relates to the same
incident now instead of the use of lathi it is alleged that the petitioner
has assaulted the informant with Bhala. It is submitted by learned
counsel for the petitioner that the informant ought to have filed a
complaint much earlier if the incident was true but he has not done so
since he had no injury in support of the same and subsequently when

such an injury was caused while he was repairing the roof with bamboo the complaint petition was filed. It is also submitted that the injuries which have been found were not those about which the sanha had been recorded on 13.6.2005.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner, Chandrashekhar Jha, in the event of his arrest/surrender in the Court below within four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Ramgarhwa P.S. Case No. 137 of 2006 to the satisfaction of Shri B. Prasad, Judicial Magistrate, Ist Class, Raxaul at Motihari, East Champaran subject to the other conditions laid down under Sections

438(2) Cr.P.C.

P. Kumar

(Ramesh Kumar Datta, J.)

